



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

November 25, 2008

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met in regular session on November 25, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.
2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella, Councilmembers O'Connell, Ibarra and Medina in attendance, absent Vice Mayor Ruane, with notice. Recording by Clerk Bonner. **Mayor Franzella** thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement. **Police Chief Telford** led the Pledge of Allegiance.
3. **ANNOUNCEMENTS:**
 - a. **Mayor Franzella** announced there will not be a City Council meeting on the fourth Tuesday in December. The only City Council meeting in December will be held on December 9, 2008.
 - b. Mayor Franzella announced the Holiday Tree Lighting Event will be held Thursday, December 4, 2008 at 5:30 p.m. at the Veterans Memorial Recreation Center.
4. **PRESENTATIONS:** None.
5. **REVIEW OF AGENDA:** **City Manager Jackson** requested Item 9.a. be pulled.
6. **APPROVAL OF MINUTES:** Special Council Meeting of November 17, 2008, approved as submitted.
7. **CONSENT CALENDAR:**
 - a. **Approve:** Payroll of November 14, 2008.
 - b. **Approve:** Accounts Payable of November 10, 2008.
 - c. **Adopt:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated October 31, 2008.
 - d. **Waive:** Second Reading and Adopt An Ordinance Adding Section 5.08.380, "Authorizing Civil Fines for Failure to Maintain Foreclosed Residential Properties" to Chapter 5.08 (Enforcement, Nuisance Abatement, and Cost Recovery) of Title 5 of the San Bruno Municipal Code And Adopt Resolution Setting Civil Fines And Penalties For Violations of Section 5.08.380.

M/S O'Connell/Medina to approve the consent calendar and passed with all ayes. Absent Vice Mayor Ruane.
8. **PUBLIC HEARING (Notices have been published, posted and mailed):**
 - a. Hold Public Hearing, Waive First Reading and Introduce an Ordinance of the City of San Bruno Adding Chapter 10.21 (Sustainable Food Service Ware) to Title 10 (Municipal Services) of the San Bruno Municipal Code.

City Manager Jackson discussed climate change and environmental sustainable issues. The Sustainability Committee discussed with staff a number of topic areas that were of interest and among those the opportunity to reduce the environmental affects of disposable food service ware was a high priority of the committee.

Management Analyst Shannon gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked about the availability/cost variations? **Shannon** said there are many suppliers. He said the cost of foam clam shell is approximately twelve to fifteen cents, paper is several cents higher. Some of the smaller items are the same cost or half cents more.

Mayor Franzella opened the public hearing.

Dennis Sammut, Artichoke Joe's said he is gearing up toward going green but requested an extension of the ordinance ban for a year.

Glen Thompson, Sysco Foods said the industry is not ready to convert and discussed the cost of the containers.

Isaac Mejia, Don Picos talked about the cost of the containers and said the product has not been developed to accommodate hot food.

Lucy Mejia, Don Picos said polystyrene is recyclable and there are alternatives such as Blue Earth Solutions.com.

Jonni Sounds, California Restaurant Association who opposed the ordinance because of the impact on the small restaurants.

Miguel Araujo, Araujo's said the new containers have little resistance to really hot food.

Laura Baughman, Chamber of Commerce supports sustainability and asked ordinance be extended for a year.

Miguel Araujo, Jr., Araujo's questioned such an ordinance in this dire economy.

Mayor Franzella asked if anyone else wished to address the Council?

M/S O'Connell/Medina to close the public hearing and passed with all ayes. Absent Vice Mayor Ruane.

Councilmember Ibarra said there are other forms of polystyrene and are we just dealing with take-out containers? He asked the long range plans?

Mayor Franzella said we have heard the requests from the industry to get to a suitable alternative. He said the way we have moved with this with a lot of outreach it would be a good step to move forward if it were implemented a year down the road. It would be good to work with the businesses with an extended date and nothing is cast in stone. We need to move forward.

Councilmember Medina said technology within a year might get up to speed. He said we need to take the initial step with the extension and we should also have a lot of outreach.

Councilmember O'Connell clarified Council has authority to ban polystyrene in restaurants. She said we do not have authority to govern Costco. She said we should look into recycling which would cause a different stream; it would have to be packaged and shipped to Florida. She understood the cost but felt restaurants need to demand the product from the manufacturer. Starbucks does not use polystyrene and they certainly are not hurting. She expressed her reluctance to delay this; she said it should be done as soon as possible. There is global warming

and any steps we can take, the sooner the better. She asked for some good faith back from the restaurants by looking at using non-polystyrene coffee cups. Find something that doesn't cost so much. She asked the City to recognize the restaurants who are trying. She suggested five small restaurants get together and purchase in bulk. She asked where polystyrene comes from? **Glen Thompson** said Florida.

Councilmember Ibarra said there is a lot of uncertainty, staff gave a good report, the food service people are coming up with contradicting information. He said he couldn't agree with any ordinance right now. He agreed if we don't stay on top of it, it would fizzle away. He said he could vote on it when the industry understands the information is sound. He went with the concept of investigating it.

Mayor Franzella asked if there was action from Council. No action and the item died for lack of a motion.

b. Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Adding New Chapter 5.24, Establishing Requirements for the Maintenance of Distressed Vacant Properties, to Title 5 (Nuisances) to the San Bruno Municipal Code.

City Attorney Thompson gave an overview of the staff report accompanied by a simple chart describing vacant and/or foreclosed properties.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S O'Connell/Ibarra to close the public hearing and passed with all ayes. Absent Vice Mayor Ruane.

M/S O'Connell/Medina waived the first reading and passed with all ayes. Absent Vice Mayor Ruane.

Councilmember O'Connell introduced the ordinance for adoption and passed with a unanimous vote. Absent Vice Mayor Ruane.

b. Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Adding New Chapter 5.26, Establishing Registration Requirement for Foreclosed and Abandoned Properties, to Title 5 (Nuisances) of the San Bruno Municipal Code.

City Attorney Thompson gave an overview of the staff report.

Councilmember Ibarra said he didn't want the owners of the vacant properties to have too much time vs. someone living in a property who gets a code enforcement notice. **Thompson** said it doesn't change time frames; it forces them to take responsibility.

Mayor Franzella said they would have to file a compliance plan so they can show us how it will be done rather than us going out and chase after them.

Councilmember Ibarra asked if an occupied property is being given three chances? **Thompson** said a vacant property, like a bank, which has received three notices, would need to come in and tell us how this property will be kept.

Councilmember Medina said pools and spas should be kept in working order. He said secure fencing keeps this from being seen? He said in a vacant facility how will we know? **Thompson** said the requirements on the maintenance plan.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S O'Connell/Ibarra to close the public hearing and passed with all ayes. Absent Vice Mayor Ruane.

M/S O'Connell/Medina waived the first reading and passed with all ayes. Absent Vice Mayor Ruane.

Councilmember Ibarra introduced the ordinance for adoption and passed with a unanimous vote. Absent Vice Mayor Ruane.

Mayor Franzella said there would be a second reading at the December meeting and it then takes thirty days by law to go into effect.

9. CONDUCT OF BUSINESS:

a. Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Winzler & Kelly for Stormwater Master Plan Update in an Amount of \$190,228, and Appropriating an Additional \$138,728. from the Stormwater Enterprise Fund for a Total Budget of \$210,228. (Item pulled.)

b. Adopt Resolution Authorizing the City Manager to Execute a Contract with Zim Industries, Inc. for Rehabilitating Well #20 in the Amount of \$56,100 and Approving a Construction Budget in the Amount of \$65,000.

Engineer Davis gave a power point presentation overview for Well #20 and asked for questions.

Councilmember Medina asked how long the well had been non-operational? **Davis** said three months. **Councilmember Medina** clarified we are spending \$900 daily to purchase water. **Davis** concurred. **Councilmember Medina** asked how old the well was. **Davis** said a little over four years. **Councilmember Medina** said he believed the well should be lasting longer than four years. **Davis** said it was still serviceable, but regular maintenance needs to be invested in the well. He said staff is actively working to get on a regular proactive basis of turning them off to inspection them and be in front of the problems. **Councilmember Medina** said we currently don't have this proactive mechanism in place? **Davis** said we are monitoring the daily on the production at the well and if a change is seen, staff investigates.

Councilmember Ibarra asked how long have previous wells been down, in general? **Davis** said last year 98% production, with a 2% down time.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote. Absent Vice Mayor Ruane.

c. Adopt Resolution Authorizing the City Manager to Execute Professional Design Services Agreement with Callander Associates for the Grand Boulevard Landscaping Project for a Total not-to-Exceed Contract Amount of \$174,719.

Engineer Davis gave a power point presentation overview and asked for questions.

Councilmember Ibarra referencing Page 3 of the staff report asked where the non-redevelopment funds come from? **Davis** said Phase I was funded from all local funds, part redevelopment, one-time revenue and developer contributions. There are available funds left over from that project which can be allocated to the Sneath Lane project.

Mayor Franzella asked when Caltrain would get an approval on Phase I. **Davis** said all the approvals have been done until we go to bid, pending.

Councilmember O’Connell introduced the resolution for adoption and passed with a unanimous vote. Absent Vice Mayor Ruane.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: No one wished to speak.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

Mayor Franzella asked when the signalization at Shelter Creek and San Bruno Ave. is going to be turned on? **Public Works Director Fabry** said she would be able to share the date tomorrow on the web site. She said it could be mid-December, but she didn’t want to give a date until she was sure.

Councilmember Medina commented on Public Comment being Item 10. on the agenda. He said someone from the public wanting to make a comment has to wait through the agenda to talk. He suggested it be moved forward to enable a person getting here at 7:00 p.m. to be able to get up and say what they wish and go about their business. He also talked about the Commissions, Boards and Committee Agendas consistency.

Mayor Franzella asked the City Clerk to do some research and bring it back at a future meeting.

13. CLOSED SESSION:

The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov’t Code Section 4957.6 Regarding Direction for Labor Negotiations with the Mid-Management, Miscellaneous and Management Bargaining Units.

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 8:35 p.m. Council went into Closed Session with no reportable actions. The next City Council Meeting will be held on December 9, 2008 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno, CA.

Respectfully submitted for approval
at the regular City Council Meeting of
December 9, 2008

Carol Bonner, City Clerk

Larry Franzella, Mayor